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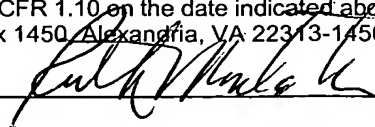
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EXPRESS MAIL No.: EV 304 052 094 US

Date: February 9, 2004

I hereby certify that this correspondence is being deposited with the United States Postal Service Express mail under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

 / Ruth Montalvo Date: February 9, 2004

In the event that this paper is late filed and a necessary Petition for an Extension of Time is not concurrently filed herewith, please consider this as a Petition for the requisite extension of time, and to the extent not tendered by check attached hereto, authorization to charge the extension fee, or any other fee required in connection with this paper, to Deposit Account No. 50-1529.

Customer No. 026418

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. JG-RP-4796CIP-C/500561.20083

Applicant(s): Claudia C. STEWART

Application No.: 10/662,848

Group: 1614

Filed: September 15, 2003

Examiner:

For: METHOD OF ADENOVIRUS, HIV AND HPV PROPHYLAXIS

MAIL STOP MISSING PARTS

Commissioner for Patents
Alexandria, VA 20231-1450

PETITION TO THE COMMISSIONER

Dear Sir:

This is in response to the Notice of Omitted Items in a NonProvisional Application dated December 8, 2003, in which the Examiner asserts that pages 30 and 31 of the specification were omitted. The Applicant contends that the above-noted items were in fact deposited in the U.S. Patent and Trademark Office with the nonprovisional application papers.

Enclosed are the following: a) a copy of the Notice; b) a Declaration in support of this Petition; and c) a copy of the complete continuation application as originally submitted on September 15, 2003, evidencing that the above noted items were deposited.

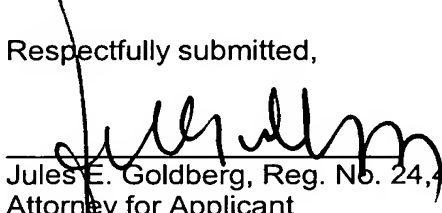
The required petition fee of \$130.00 is also submitted herewith. The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to Deposit Account No. 50-1529.

02/13/2004 SSITHIB1 00000122 10662848

01 FC:1460

130.00 0P

Respectfully submitted,


Jules E. Goldberg, Reg. No. 24,408
Attorney for Applicant
Reed Smith LLP
599 Lexington Avenue, 29th Floor
New York, NY 10022

Enclosures: as noted above

EXPRESS MAILING CERTIFICATE

EXPRESS MAIL No.: **EV 304 052 094 US**

Deposited: **Fbruary 9, 2004**

I hereby certify that this correspondence is being deposited with the United States Postal Service Express mail under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450




Ruth Montalvo

JG-RP-4796CIP-C/500561.20083

Customer No.: **026418**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: **Claudia C. STEWART**

Art Unit: **1617**

Serial No: **10/662,848**

Examiner:

Filed: **September 15, 2003**

For: **METHOD OF ADENOVIRUS, HIV AND HPV PROPHYLAXIS**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**DECLARATION OF RUTH MONTALVO
IN SUPPORT OF PETITION**

Ruth Montalvo, hereby solemnly and sincerely declares that:

1. I am a docketing clerk for the firm of Reed Smith LLP formerly McAulay Nissen Goldberg Kiel & Hand, LLP and have been working in that capacity for approximately 12 years.
2. I am principally responsible for sending out all outgoing Patent and Trademark Office mail for all eleven (11) attorneys of this firm including filing all Patent and National Phase applications, etc. to the U.S. Patent and Trademark Office.
3. On September 15, 2003, I received from Mr. Goldberg's secretary for signature of the Express mail certificate for the following:
 - a five month extension of time for 09/611,286;
 - the 1.53(b) continuation transmittal of 09/611,286
 - along with the original application as filed on July 6, 2000;
 - Preliminary Amendment for the continuation;
 - a firm's change of address; and

the checks in the amount of \$985.00 for the extension and \$ 375.00 for the continuation and the postcard.

4. Upon reviewing the proposed continuation application, I made a copy of the original application papers (09/611,286) as follows:
32 pages of specification, 6 pages of claims, Abstract, Executed Declaration/POA and drawings (Fig. 1).
5. First, I signed the certificate of mailing on the extension of time, continuation transmittal, Preliminary Amendment and change of address; secondly, I made copies of the following: Extension, Continuation transmittal, original application as filed of 09/611,286, Preliminary Amendment, Changes of Address and the postcard with two checks.
6. I then reviewed the original documents, the copies I made, I stapled each document separately, I attached the checks to the Extension of Time and the 1.53(B) Continuation transmittal and then I stapled all the outgoing documents to the postcard, I entered the continuation into our docketing program (Pattsy), I logged in the continuation into our out going log book (Pages 40-41, attached), and I placed the continuation application in the the express mail envelope and I then brought all the out going Patent and Trademark to the post office at 54th street and Third Avenue in New York City.
7. I further declare that all statements made herein are of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 to Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent resulting therefrom.

Dated: February 9, 2004


Ruth Montalvo

September 12, 2003 Cent'd

7- TIAB

355671.00011 Opposition # 71156935

(Re: 76/438,861) "Technique of Spon and Dry Spa"

Superlatives, Est. of timing of events from an answer
and Est. of trial dates w/ Certificate of Service
and Transmittal

8- TMC

Cas-108 76/319,436 "STRIP-GRIP"

transmitted Admstr w/ Certified Copy of AT Reg.
#199290 w/ English translation thereof

9- Bx Argon

a) 50065, 20195 10/454,117 \$40⁰⁰ #7391

PTD-1595 w/ Argument

b) Hy-1079 6,365,997 \$40⁰⁰ #7520 PTD-1619A
+ Argon in Recordation.

Monday September 15, 2003

1- EU 292 390 384 US

Ze - B014D/C 10/162,091 \$930⁰⁰ #7409 w/
\$180⁰⁰ #7403 3m Est of time, Applicant with
Annotated & Replacement DWS (figs 1-6B & 8A-C),
9 sheets each, Change of Address and IDS,
PTD-1449 w/ 2 listed docs.

2- EU 292 390 852 US Bx Pat. Appln

501010, 20857 Emstr (#Changed) Transmittal
Appln Data Sheet Spec, cl #103/3 Abstract Unsign d/PA,
and DWS (figs 1-14b) and SR per PCT/1002/00204

3- EU 292 390 849 US

Bx Provisional
501049, 20562 \$160⁰⁰ #7401 Emstr, Pro. Novated ©
and 5 pr of Text including 4 claims.

September 15, 2003 Cont

4- Regular

a) SO1010,20531 (23538,71) 10/070,237 MCLth Transmittal @, Response to Rest. Reg. and Change of Address dated 30 Dec 02.

b) SO1010,20518 (23538,40) 10/053,401 MCLth Transmittal @, Response to Oral Comm., PCT/1PEA/408 29 JUL 03 & PTO 1449

5 - EV 168 022 673 05 Patent Appn

RP 4796CIP 09/611,286 \$985 Sm & H. of time

RP-4796CIP-C 1.53(b) Cont of 09/611,286 \$375⁰⁰ #1322

Transmittal sheet, Pri. Amt (re: Cross Ref.) and Copy of Parent Appn (Spec, cl. #142, Abstract, Decl/Pf, & DWS) w/ Change of Address

September 16 2003 Tuesday

1- EV 304 051 187 US

Box Patent Appn

500582,20053 1.53(b) Cont of 09/916,379 \$750⁰⁰ #7408

Cont + Fee transmittals Pri. Amt (cl. #12), Subst.

Spec and Marked-up versions Copy of Parent Appn as filed (Spec, cl. (20), Abstract, Decl/Pf and DWS (17 pgs))

2- EV 304 051 332 US

Box Petition

SR-1000 10/239,611 Transmittal, Suppl Pet. for

Suppression of Rules, In Stratmann ltr to RS 28 JUL 03

and Fg of MPEP 200-6 & 7

3- EV 304 051 346 US

Reg-1113 09/861,130 Suppl IDS, PTO-1449

w/5 listed Refs

4- TMK - Post Reg

Frank T81 "HOMEWORK w/12" Reg No 2188520

\$300⁰⁰ #7406, transmittal, Sec. 8/15 Decl w/specimen (in envelope)

Cont to next pg →



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/662,848	09/15/2003	Claudia Cherney Stewart	JG-RP-4796CIP-C/500561.20

026418
REED SMITH, LLP
ATTN: PATENT RECORDS DEPARTMENT
599 LEXINGTON AVENUE, 29TH FLOOR
NEW YORK, NY 10022-7650



CONFIRMATION NO. 1191

FORMALITIES LETTER



OC000000011438842

Date Mailed: 12/08/2003

NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- o Page(s) **30 & 31** of the specification (description and claims).

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted items(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any

omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

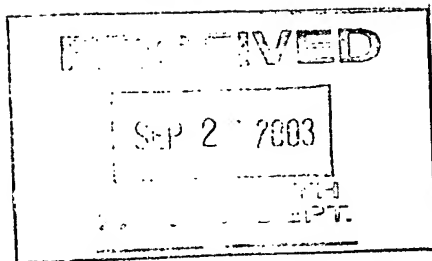
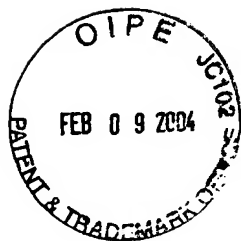
A copy of this notice MUST be returned with the reply.

N. Mohammed

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Express Mail No. EV 168 022 673 US /
BOX PATENT APPLICATION

09/15/03

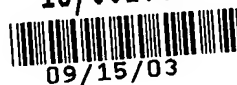
JG-RP-4796CIP-C/500561.20083

Claudia C. STEWART

CON Appln. based on

09/611,286 filed July 6, 2000

22151 U.S. PTO
10/662848



09/15/03

This to acknowledge receipt of the following:

Check # 1522 for \$375.00 covering Filing Fee

Change of Address

CON Transmittal

39 pages Spec, Claims & Abstract; 1 sheet of drawings

Preliminary Amendment

Copy of Declaration from parent appln.

Check # 1538 \$985.00 (5 month extension)

Petition for a Five Month Extension of Time.

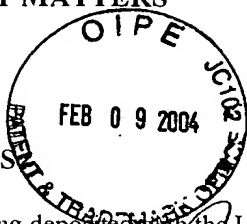
REED SMITH, LLP
PATENT, TRADEMARK AND COPYRIGHT MATTERS
Customer No.: 026418

599 Lexington Avenue
New York, NY 10022-7650
Phone: (212) 521-5403
Fax: (212) 521-5450

EXPRESS MAIL No.: EV 168 022 673 US
Deposited: September 15, 2003

E-MAIL: REEDSMITH.COM

I hereby certify that this correspondence is being deposited with the United States Postal Service Express mail under 37 CFR 1.10 on the date indicated above and is addressed to: Assistant Commissioner for Patents, Washington, DC 20231



/ Ruth Montalvo

Assistant Commissioner for Patents
Washington, DC 20231

Date: September 15, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

UTILITY PATENT APPLICATION TRANSMITTAL (Only for new nonprovisional applications under CFR 1.53(b))

Docket No.:	JG-RP-4796CIP-C/500561.20083
Inventor(s):	Claudia C. STEWART
Title:	METHOD OF ADENOVIRUS, HIV AND HPV PROPHYLAXIS
Examiner:	Russell Travers
Group:	1617

APPLICATION ELEMENTS (See MPEP chapter 600 concerning utility patent application contents)

- ☒ 1. Fee Transmittal Form (attachment)
- ☒ 2. Specification, Claims, Abstract [Total pages 39]
- ☒ 3. Drawing(s) (35 USC 113) [Total sheets 1]
- ☒ 4. Oath or Declaration
- ☐ a. Newly executed (original or copy)
- ☒ b. Copy from a prior application (37 CFR 1.63(d))
(For continuation/divisional with box 17 completed)
- ☐ i. DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named
in the Prior application see 37 CFR 1.63(d)(2) & 1.33(b).
- ☒ 5. Incorporation by Reference (useable if Box 4b is checked) The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- ☐ 6. Microfiche Computer Program (Appendix)
- ☐ 7. Nucleotide and/or Amino Acid Sequence Submission (If applicable, all necessary)
- ☐ a. Computer Readable Copy
- ☐ b. Paper Copy (identical to computer copy)

ACCOMPANYING APPLICATION PARTS

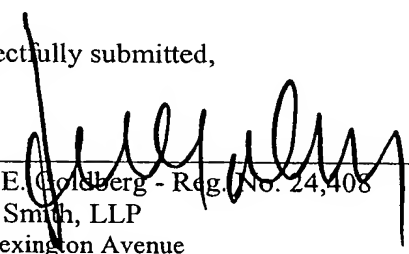
- ☐ 8. Assignment Papers (cover sheet (PTO-1595) and document(s))
- ☐ 9. 37 CFR 3.73(b) Statement ☐ Power of Attorney
(when there is a assignee)
- ☐ 10. English Translation Document (if applicable)
- ☐ 11. Information Disclosure Statement ☐ Copies of IDS citations (refs.)
(IDS) and PTO-1449
- ☒ 12. Preliminary Amendment
- ☒ 13. Return Receipt Postcard (MPEP 503) (should be specifically itemized)
- ☒ 14. Small Entity Statement ☒ Statement filed in prior
application, Status still proper
and desired
- ☐ 15. Certified Copy of Priority Document(s)
(if foreign priority is claimed)
- ☒ 16. Other: CHANGE OF ADDRESS
- ☒ 17. If a CONTINUING APPLICATION, check appropriate box and supply the requisite
information below and in a preliminary amendment:
☒ Continuation ☐ Divisional ☐ Continuation-In-Part (CIP)
of prior CIP application No. 09/611,286 filed July 6, 2000 which claims priority
from U.S. application No. 09/330,629 filed on June 11, 1999 which claims the
benefit of priority of U.S. Provisional Application Nos. 60/142,480 filed July 6,
1999 and 60/142,577, filed on July 7, 1999.

Prior application information: Examiner Russell Travers Group: 1617

- ☒ 18. **CORRESPONDENCE ADDRESS**

Please direct all communications to Jules E. Goldberg at
the offices of Reed Smith, LLP
599 Lexington Avenue, 29th Floor, New York, NY 10022, (212) 521-5403.

Respectfully submitted,



Jules E. Goldberg - Reg. No. 24,408
Reed Smith, LLP
599 Lexington Avenue
New York, NY 10022

Tel. (212) 521-5403

Fee Transmittal Form

Docket No.:	JG-RP-4796CIP-C/500561.20083
Inventor(s):	Claudia C. STEWART
Title:	METHOD OF ADENOVIRUS, HIV AND HPV PROPHYLAXIS
Examiner:	Russell Travers
Group:	1617

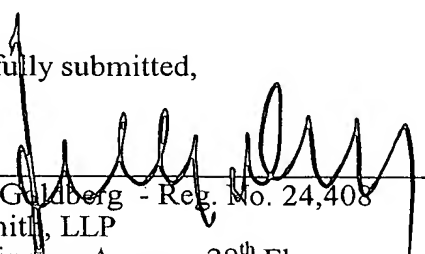
THE FILING FEE HAS BEEN CALCULATED AS SHOWN BELOW:

	Claims Filed		Extra	SMALL \$ 375.00	LARGE \$ 750.00	AMOUNT \$ 375.00
Total Claims	12	Minus 20		x \$ 9.00	x \$ 18.00	\$.00
Independent	1	Minus 03	0	x \$ 42.00	x \$ 84.00	\$.00
() Multiple dependent claim fee				+ \$ 140.00	+ \$ 280.00	\$.00
() Non-English specification 37 CFR 1.17(k) fee (+ \$130.00):						\$.00
Assignment recordation fee (\$ 40.00):						\$.00
CHECK ENCLOSED:						\$ 375.00

X The Commissioner is hereby authorized to charge any additional fees or credit any overpayment associated with the filing of this paper to Deposit Account No. 50-1529.

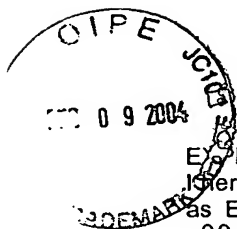
- a. X Fees required under 37 C.F.R. 1.16.
- b. X Fees required under 37 C.F.R. 1.17.
- c. X Fees required under 37 C.F.R. 1.18.

Respectfully submitted,



 Jules E. Goldberg - Reg. No. 24,408
 Reed Smith, LLP
 599 Lexington Avenue, 29th Floor
 New York, NY 10022

Tel. (212) 521-5403



EXPRESS MAIL CERTIFICATE - LABEL NO EL 168 022 713 US

I hereby certify that this correspondence is being deposited with the United States EXPRESS MAIL Service as Express Mail in an envelop addressed to: Commissioner for Patents, Washington, D. C. 20231, on 09/15/03

By: Ruth Montalvo
Ruth Montalvo

Date: 09/15/03

In the event that this paper is late filed and a necessary Petition for an Extension of Time is not concurrently filed herewith, please consider this as a Petition for the requisite extension of time, and to the extent not tendered by check attached hereto, authorization to charge the extension fee.

JG-RP-4796CIP-C/500561.20083

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Claudia Cherney STEWART

Group: 1617

Serial No.: not yet assigned

Examiner: Russell Travers

Filing Date: herewith

Customer No: 026418

For: METHOD OF ADENOVIRUS HIV AND HPV PROPHYLAXIS

Commissioner for Patents
Washington, D. C. 20231

PRELIMINARY AMENDMENT

S i r:

Prior to examination of the above-identified application on the merits, please amend the above-identified application as follows:

IN THE SPECIFICATION

On page 1, after "CROSS REFERENCE TO RELATED APPLICATIONS", and before the first sentence please add the following:

--This application is a continuation application of U.S. Patent Application serial no. 09/611,286 filed July 6, 2000 which is a continuation-in-part application of 09/330,629 filed on June 11, 1999 which claims the benefit of priority of U.S. Provisional application Nos. 60/142,480, filed on July 6, 1999 and 60/142,577 filed on July 7, 1999, the complete disclosures of which are incorporated herein by reference.--

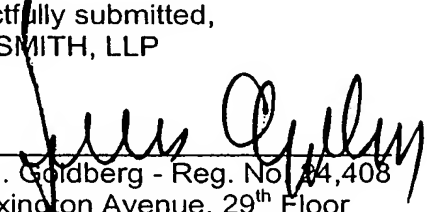
IN THE CLAIMS

Please cancel claims 13-21.

REMARKS

The above amendment is submitted to include the cross-referencing of the prior applications. No new matter has been added by this amendment. Accordingly, entry thereof is requested.

Respectfully submitted,
REED SMITH, LLP

By: 
Jules E. Goldberg - Reg. No. 24,408
599 Lexington Avenue, 29th Floor
New York, NY 10022
Tel. (212) 521-5403

JEG:dej



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Claudia C. Stewart

Serial No.: not yet assigned

Filed: filed herewith

Entitled: METHOD OF ADENOVIRUS, HIV
AND HPV PROPHYLAXIS

ATTN: **Russell Travers**

Atty. Docket No.:
JG-RP-4796CIP-C/500561.20083

CHANGE OF ADDRESS

Commissioner for Patents
Washington, DC 20231

Dear Sir:

Please send all correspondence for this application to the following new
address:

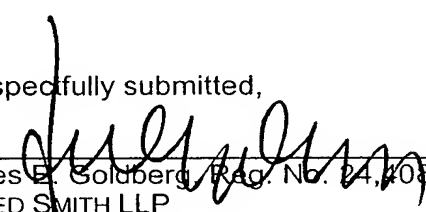
Jules E. Goldberg, Esq.
REED SMITH LLP
599 Lexington Avenue, 29th Floor
New York, New York 10022
CUSTOMER NO.: 026418

Please direct all telephone calls to:

Jules E. Goldberg, Esq.
(212) 521-5403

Dated: February 13, 2003

Respectfully submitted,


Jules E. Goldberg, Esq. Reg. No. 24,408
REED SMITH LLP
599 Lexington Avenue, 29th Fl.
New York, New York 10022
Attorney for Applicant

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.10

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being

MAILED

☒ deposited with the United States EXPRESS MAIL
Service on February 13, 2003 with sufficient postage
as EXPRESS MAIL NO. EV168022673US in an
envelope addressed to the: Assistant Commissioner
for Patents, Washington, DC 20231

FACSIMILE

☐ transmitted by facsimile on _____ to the U.S.
Patent and Trademark Office.


Ruth Montalvo

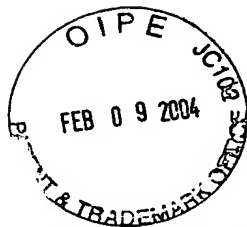
(Signature of person mailing paper or fee)

EXPRESS MAILING CERTIFICATE

EXPRESS MAIL No.: EV 168 022 673 US

Deposited: **September 15, 2003**

I hereby certify that this correspondence is being deposited with the United States Postal Service Express mail under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner for Patents, PO Box 1450; Alexandria, VA, 22313-1450.




Ruth Montalvo

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Customer No. 026418

Docket No.: JG-RP-4796CIP/500561.20011

Applicant(s): Claudia C. Stewart

Application No.: 09/611,286

Group: 1617

Filed: July 6, 2000

Examiner: Russell Travers

For: METHOD OF ADENOVIRUS, HIV AND HPV
PROPHYLAXIS

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

PETITION FOR FIVE MONTH EXTENSION

Sir:

Applicants hereby petition for a five-month extension of time. Enclosed is a check in the amount of \$985.00.

The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to Deposit Account No. 50-1529.

Respectfully submitted,

REED SMITH, LLP



By: Jules E. Goldberg
Jules E. Goldberg - Reg. No. 24,408
599 Lexington Avenue, 29th Floor
New York, NY 10022
Tel. (212) 521-5403

September 15, 2003

JEG:dej